

**CITY COUNCIL
STUDY SESSION MINUTES
August 14, 2012**

The Study Session of the Monroe City Council was held on August 14, 2012, in the Council Chambers at City Hall. Mayor Robert Zimmerman called the meeting to order at 7:00 p.m.

Councilpersons present: Goering, Cudaback, Williams, Kamp, Gamble, and Hanford.

Councilperson(s) Absent: Davis

Staff present: Brazel, Feilberg, Warthan, Quenzer, Farrell, Roberts, Sax, Popelka, and Martinson.

City Attorney Zach Lell was not present. Attorney Scott Snyder attended a portion of the meeting.

The meeting was opened with the Pledge of Allegiance.

COMMENTS FROM CITIZENS

Schuyler Litschultz, 4456 W Mercer Way, Mercer Island, WA, represents Hillbilly Hotties. He addressed Council in support of the bikini barista coffee stands. The industry is well controlled and doesn't pose a risk to public safety.

Allan Tagle, 15414 35th Avenue W., #34, Lynnwood, owns a chain of coffee shops in the area, and addressed Council in support of the bikini barista coffee stands. They have never had issues in the six years he has been in the industry.

Ron Simmons, Lakeview Avenue, addressed Council regarding the City right-of-way that was discussed in a previous meeting. The homeowners would like to work out a system with the City to continue using the property, if they take care of the right-of-way in question (for all 22 homes in the area).

After discussion, it was determined that the City would seek legal advice to understand the legal ramifications. It will be brought back for further discussion at a later date.

Jovanna Edge, 310 S. Lewis Street, Monroe, owns Hillbilly Hotties. She stated that she had tried to run the stand as a traditional stand, but it was failing. Her employees are clean, sober, and nice girls.

Julianna Crawshaw, 24531 144th Place SE, addressed Council regarding the coffee stand by Grocery Outlet. She is concerned about the zoning issue, stating that MMC indicates that this should be considered as adult entertainment

Aurora Anderson, Kirkland, is a bikini barista and doesn't feel that this is adult entertainment.

STUDY SESSION

1. Student Council Representative

Mayor Zimmerman welcomed Mayor Carolyn Eslick (Sultan), who explained the history of their program and introduced their former student representative, Russell Wiita. Russell explained his experience and the great exposure to local politics from participating in the program. Being treated as an equal to Council (except voting) was a very enriching experience for him.

After discussion, it was determined that this item would come back to Council with additional input after further discussion with the Monroe School District.

City Administrator Brazel introduced attorney Scott Snyder, from Ogden Murphy Wallace, who will present information on New Business #2 *Indigent Defense Standards*. Attorney Snyder will also remain for two of the three executive sessions.

It was determined that Council would move into the two executive sessions at this point in the meeting and would return to Study Session topics afterwards.

BUSINESS & ACTION ITEMS

EXECUTIVE SESSION

3. Executive Session: Pertaining to Pricing of Property & Potential Litigation

Mayor Zimmerman explained that there was a need to go into an executive session for approximately 20 minutes, for purposes of discussing pricing related to the purchase of property and related to the sale of property, and pertaining to potential litigation, pursuant to RCW 42.30.110 1(b), RCW 42.30.110 1(c), and RCW 42.30.110 1(i), as read into the record by Attorney Snyder.

MEETING RECESSED INTO EXECUTIVE SESSION: 8:09 p.m.
EXECUTIVE SESSION WAS EXTENDED
MEETING RECONVENED INTO REGULAR SESSION: 8:55 p.m.

4. Executive Session: Pertaining to Potential Litigation

Mayor Zimmerman explained that there was a need to go into an executive session for approximately 15 minutes, for purposes of discussing potential litigation, pursuant to RCW 42.30.110 1(i), as read into the record by Attorney Snyder.

MEETING RECESSED INTO EXECUTIVE SESSION: 8:57 p.m.
EXECUTIVE SESSION WAS EXTENDED
MEETING RECONVENED INTO REGULAR SESSION: 9:12 p.m.

Mayor Zimmerman asked that they move forward at this time to New Business #1, *Indigent Defense Standards*, to allow an update by Attorney Snyder.

NEW BUSINESS

1. Indigent Defense Standards

Attorney Snyder gave an overview explaining the Supreme Court ruling that requires adopting minimum standards for indigent defense by public defenders and to require reporting on case loads. The deadline for enactment of minimum standards has been extended to October 2012. In 2013, case load standards will be enacted. This change may cause additional costs to the City. He suggested a two step process, to ensure that the City is following Supreme Court requirements.

City Attorney Lell will bring the revised resolution back for final action, at a later Council meeting.

EXECUTIVE SESSION #3 ACTION

The motion was made by Councilperson Goering and seconded by Councilperson Cudaback, to authorize staff to negotiate for the acquisition of the Galaxy (Theatre) property easements along the terms recommended in executive session. On vote,

Motion carried 6/0.

(RETURNED TO) STUDY SESSION

2. Sky Meadow Water Association:

A. Expand Water Service Area to Encompass SMWA Boundaries

B. Executive Session #1: Pertaining to Pricing of Property

Public Works Director Feilberg gave a brief overview explaining the water district boundaries and number of customers that would be included.

City Administrator Brazel explained that it's not just about the boundaries; it's also about water quality and water pressure for the Sky Meadow Water customers.

After discussion, Mayor Zimmerman explained that there was a need to go into an executive session for approximately 15 minutes, for purposes of discussing pricing of property, pursuant to RCW 42.30.110 1(c).

MEETING RECESSED INTO EXECUTIVE SESSION: 9:31 p.m.
EXECUTIVE SESSION WAS EXTENDED
MEETING RECONVENED INTO REGULAR SESSION: 10:05 p.m.

The motion was made by Councilperson Kamp and seconded by Councilperson Hanford, to extend the meeting past 10:00 p.m. On vote,

Motion carried 5/0.

It was noted that Councilperson Cudaback was out of Council Chambers during the vote.

3. Introduction to 2013 Comprehensive Plan Amendment Requests

Planning & Permit Manager Popelka gave a brief overview explaining that there are four items for the docket, including some clean-up of the Comp Plan. He explained the other items for the docket, none of which are citizen-initiated applications.

Discussion ensued.

4. Discussion: 2015 Periodic Update to the Comprehensive Plan

Public Works Director Feilberg gave a brief overview explaining that the main thrust in the Comprehensive Plan update pertains to population and employment allocation (regional planning). It also pertains to allocations for growth. Council needs to decide whether the City should go for average or more aggressive growth, especially in the economic area.

Economic Development Manager Sax explained the issues with being overly aggressive and not meeting the population target.

Discussion ensued.

5. Discussion: Coffee Stand Regulations

Planning & Permit Manager Popelka gave an overview explaining that he has received complaints from citizens on the bikini-themed coffee stands over the last few months. Citizens feel that it's the wrong image for Monroe and that they don't want their children to see scantily clad women. There has been no documentation on any specific violations.

Chief Quenzer stated that the bikini-themed coffee stands are not violating any city ordinances at this time.

After discussion, it was determined that the only solution at this time is for citizens to contact the Police Department, if they witness any violations.

6. Cable Franchise Agreement Extension

As Comcast is Councilperson Gamble's employer, he recused himself and left Council Chambers at 11:00 p.m.

City Administrator Brazel gave a brief overview explaining that Comcast wished to extend the current franchise agreement to December 27, 2018. The City is in cooperation with Sultan, Snohomish, and Lake Stevens for the cable Franchise Agreement. The City of Snohomish has drafted a different agreement; however, they (Monroe, Sultan, and Lake Stevens) are trying to convince Snohomish to stay with same contract.

Councilperson Gamble returned to Council Chambers at 11:05 a.m.

7. Department Reports

Planning & Permit Manager Popelka gave a brief update on the Roosevelt Ridge Annexation ballot measure, explaining that there is one person for the "Con" Committee; there is nobody for the "Pro" Committee at this time.

Councilperson Cudaback volunteered to be on the Pro Committee.

Chief Quenzer thanked the elected officials for attending night out against crime.

City Administrator Brazel reported that the City of Everett will be increasing water rates.

City Administrator Brazel also stated that the reporting structure and job assignments in the Planning/Building and Economic Development departments will be changing, in order to continue to improve efficiencies.

8. Draft Agenda for August 21, 2012

City Administrator Brazel presented the draft agenda for August 21, 2012.

The resolution adopting a Student Council Representative program will come back for final action after the School District has been contacted about the proposed changes to the parameters.

Staff will give an update on the Lakeview Avenue encroachment issue/proposal.

City Administrator Brazel reported that there are currently no agenda items for the August 28th Council meeting. Also, there is a Parade Volunteer Dinner on August 28th, to which elected officials have been invited.

Councilperson Cudaback reported that she will be absent August 21st and 28th.

STUDY SESSION WAS RECESSED AND RECONVENED INTO THE REMAINDER OF THE BUSINESS PORTION OF THE MEETING.

BUSINESS & ACTION ITEMS

CONSENT AGENDA

- 1. Minutes**
 - A. July 17, 2012 Business Meeting**
 - B. July 24, 2012 Study Session**
- 2. Accounts Payable & Payroll**
 - A. Bills**

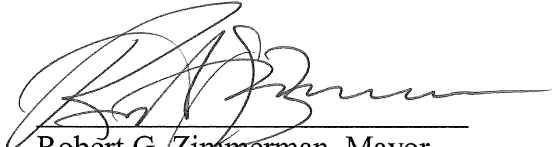
The motion was made by Councilperson Goering and seconded by Councilperson Hanford, to approve the Consent agenda. On vote,

Motion carried 6/0.

ADJOURNMENT

There being no further business, the meeting was adjourned.

MEETING ADJOURNED: 11:14 p.m.


Robert G. Zimmerman, Mayor
Eadye Martinson, Deputy City Clerk